

distance sensor mounted on first vehicle 12, but by processing a signal 38 transmitted from second vehicle 16 that contains “vehicle condition information [that] is sufficient for the system 10 [of the first vehicle 12] to determine the instantaneous position, speed and/or path of travel for the [second] vehicle 16.” Paragraph 0016 of Campbell. Thus, unlike the method of claim 15, which recites the first vehicle determining the position of the second vehicle using its own distance sensor, the first vehicle 12 can determine the position of second vehicle 16 only if it first receives a vehicle condition signal 38 from second vehicle 16. The advantage of using an on-board distance sensor, as opposed to a signal exchange scheme as in Campbell, to allow one vehicle to determine the position of another vehicle is evident when the first vehicle is equipped with the Campbell system but the second vehicle is not. In this situation, the Campbell publication concedes that the first vehicle is incapable of determining the position of the second vehicle. In particular, when “no vehicle data will be received from an adjacent vehicle...the microcontroller 22 [in first vehicle 12] will not the determine the path for any adjacent object.” Paragraph 0041 of Campbell. In the present invention, the ability of the first vehicle to determine the relative position of the second vehicle does not depend on the second vehicle being equipped with a particular system to permit this determination. Since the first vehicle according to the present invention uses a distance sensor, it can determine the relative position of the second vehicle without depending on receiving any information transmitted from the second vehicle, which is in contrast to the approach in Campbell, as described above. Accordingly, because Campbell does not teach a first vehicle determining a relative position of a second vehicle by using a distance sensor provided on the first vehicle, Campbell does not anticipate claim 15 or claim 28.

As for claims 16, 29, and 30, Applicants submit that these claims are patentable for at least the same reasons given in support of the patentability of claim 15.

Claims 17 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Campbell in view of United States Patent No. 5,754,099 to Nishimura et al. ("Nishimura"). Because Nishimura does not overcome the deficiencies noted above with respect to Campbell, Applicants submit that claims 17 and 26 are patentable for at least the same reasons given in support for the patentability of claim 15.

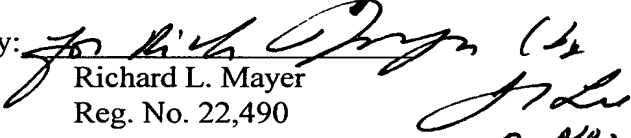
Applicants assert that the present invention is new, non-obvious, and useful. Consideration and allowance of the claims are requested.

Respectfully submitted,

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Dated: 3/17/83

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36,197)



EL244502701US 10911075 RLM 513101

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Patent Phase
PATENT APPLICATION of MICHAEL HARALD ET AL.

Title Method And Device For Determining A
Future Travel-Path Area of A Vehicle

Specification 26 pgs JC19 Rec'd PCT/PTO 31 MAY 2001

No. of claims 14 Assignment yes Recording fee \$ 0486857113

No. of drawings 6 Authorization to charge Dep. Acct. 11-0600

Declaration Signed Priority Document _____

Filing fee \$ 860.00 Preliminary Amendment yes

Substitute Specification page 1-21
Marked up Version of Substitute Specification pages 1-24
IDS & PTO Form 1449 & References
International Search Report Provisional International
PCT Authority Report of Examiner

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MAR 25 2003

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